REMARKS

This Amendment is filed in response to the Office Action mailed on June 30, 2005. All objections and rejections are respectfully traversed.

Claims 1-23 are in the case.

No claims were amended.

New claims 22-23 were added to better claim the invention.

At Paragraph 2 of the Office Action claims 1-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Yin U. S. Patent No. 5,926,458 issued July 20, 1999 (hereinafter Yin).

The present invention, as set out in representative claim 1, comprises in part:

> 1. (Original) An intermediate network device for use in a computer network having a plurality of entities configured to issue requests to reserve network resources for use by traffic flows, the reservation requests specifying one or more flow parameters, the intermediate network device comprising:
>   a traffic scheduler having one or more network resources for use in forwarding network traffic received at the device at different rates;
>   a classification engine configured to identify network messages belonging to respective traffic flows based upon predefined criteria;

a resource reservation engine in communicating relationship with the traffic scheduler and the classification engine, the resource reservation engine including a flow analyzer; and

one or more sets of predefined heuristics that are accessible by the flow analyzer, wherein the flow analyzer applies the one or more sets of predefined heuristics to the one or more flow parameters specified in the reservation requests, and in response to the application of the one or more sets of predefined heuristics, the flow analyzer selects a queue and/or a queue servicing algorithm for assignment to the traffic flow corresponding to the reservation request.

Yin discloses a method for servicing queues in a router. The method reads a packet header, and in response to information read from the header performs scheduling calculations. Yin at Col. 5 lines 21-23 states:

"As discussed above, this identification may be performed using information contained in the header of the received data packet."

Applicant respectfully urges that Yin is silent concerning Applicant's claimed novel use of

one or more sets of predefined heuristics that are accessible by the flow analyzer, wherein the flow analyzer applies the one or more sets of predefined heuristics to the one or more flow parameters specified in the reservation requests, and in response to the application of the one or more sets of predefined heuristics, the flow analyzer selects a queue and/or a queue servicing algorithm for assignment to the traffic flow corresponding to the reservation request.

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That is, Yin has no disclosure of Applicant's claimed novel *one or more sets of predefined heuristics.* Yin simply reads the header of a packet and then proceeds to do a scheduling calculation.

Accordingly, Applicant respectfully urges that Yin is legally precluded from anticipating Applicant's claimed novel invention under 35 U.S.C. 102 because of the absence from Yin of Applicant's claimed novel use of

one or more sets of predefined heuristics that are accessible by the flow ana-lyzer, wherein the flow analyzer applies the one or more sets of predefined heuristics to the one or more flow parameters specified in the reservation requests, and in response to the application of the one or more sets of predefined heuristics, the flow analyzer selects a queue and/or a queue servicing algorithm for assignment to the traffic flow corresponding to the reservation request.

At Paragraph 3 of the Office Action claims 9 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yin

Applicant respectfully points out that claims 9 and 15 are dependent claims, and these dependent claims are dependent from independent claims believed to be in condition for allowance.
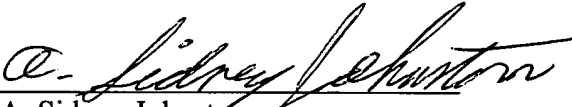
All independent claims are believed to be in condition for allowance.

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All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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